

REMARKS

Claims 1-14 and 16-47 are cancelled without prejudice or disclaimer. Claim 15 is amended. Support for the amendment to Claim 15 can be found, *inter alia*, at page 8, lines 1-27, and at page 30, line 31-page 36, line 6, including at page 35, lines 13-16 of the specification. Claims 48-49 are added. Support for newly added Claims 48-49 can be found, *inter alia*, at page 35, lines 17-32 of the specification. Claim 50 is added. Support for newly added Claim 50 can be found, *inter alia*, at page 35, line 33-page 36, line 6 of the present specification. No new matter is added. Entry of the Amendment is respectfully requested.

I. Election/Restriction Acknowledged

Applicants thank the Examiner for acknowledging, at page 2 of the Office Action, Applicants' election of Group VIII (i.e., Claim 15).

II. Information Disclosure Statement

At page 3 of the Office Action, the Office indicates that the Information Disclosure Statement (IDS) submitted on December 9, 2005, discloses document number "2002/034780" by Millennium Pharmaceuticals whereas the complete document number is "2002/0034780." The Applicants thank the Examiner for making the appropriate correction and acknowledging the reference.

III. Claim 15 is Sufficiently Described Under 35 U.S.C. § 112, Written Description

At page 3 of the Office Action, the Office rejects Claim 15 under 35 U.S.C. § 112, first paragraph, as allegedly lacking a written description. In making the rejection the Examiner asserts that the specification does not contain a description of all of the variant protein sequences that retain neurofibrillary degeneration promoting activity, a neuronal cell death promoting

activity, or the like. The Examiner admits that the specification discloses the species of SEQ ID NOs: 1, 6, 8, 10; 12, 14, 16, 18, and 20 but the Office asserts that disclosure of more species is required to comply with 35 U.S.C. § 112, first paragraph.

Applicants disagree. Solely to advance prosecution, Applicants herewith amend Claim 15. Applicants' Amendment overcomes the rejection. Withdrawal of the lack of written description rejection is therefore kindly requested.

IV. Claim 15 is Enabled Under 35 U.S.C. § 112, First Paragraph

At page 7 of the Office Action, the Office rejects Claim 15 under 35 U.S.C. § 112, first paragraph, alleging that the specification does not enable a method of screening a compound or its salt by inhibiting the expression of a gene for a protein comprising the same or substantially the same amino acid sequence as the amino acid represented by SEQ ID NO: 1. The Office admits that the application is enabled for a method of screening for a compound or its salt that inhibits the expression of an RNA encoding a protein comprising the amino acid sequence set forth as SEQ ID NO: 1, said method comprising hybridizing an antisense molecule or ribozyme to RNA of a gene encoding a protein comprising the amino acid sequence set forth as SEQ ID NO: 1, thereby inhibiting the function of said RNA.

Applicants disagree. Solely to advance prosecution, Applicants herewith amend Claim 15. Applicants' Amendment overcomes the rejection. Withdrawal of the lack of enablement rejection is therefore kindly requested.

V. Claim 15 is Novel Under 35 U.S.C. § 102

At page 12 of the Office Action, the Office rejects Claim 15 under 35 U.S.C. § 102(e) as allegedly being anticipated by Meyers et al. (U.S. Patent Application Publication No.: 2002/0034780; filed: Mar. 6, 2001).

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 10/527,708 (Q101073)

Applicants disagree. Meyers et al. disclose a protein having 100% identity to SEQ ID NO: 1 and screening methods for identifying a compound that modulates the activity of the kinase protein and the expression of the kinase gene. Meyers et al. does not disclose the claimed method for screening a candidate for a prophylactic or therapeutic agent for neurodegenerative disease or diabetes. Thus, Meyers et al. as cited by the Examiner cannot anticipate Applicants' invention because Meyers et al. fails to disclose all of the elements of Claim 15.

Withdrawal of the rejection is therefore kindly requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The U.S. Patent and Trademark Office is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/William J. Simmons/

William J. Simmons, Ph.D.
Registration No. 59,887

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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Date: March 6, 2008